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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,543

02/06/2007

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SUITE 2800

SEATTLE, WA 98101-2347

EXAMINER

RUDE, TIMOTHY L

ART UNIT

PAPER NUMBER

2871

NOTIFICATION DATE

DELIVERY MODE

07/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

efiling@cojk.com

Office Action Summary	Application No. 10/581,543	Applicant(s) GALLEN ET AL.	
	Examiner TIMOTHY RUDE	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant Application is closely related to Application 10/513,835, now US Patent 7,742,120, wherein Applicant elected invention I and species C, E, K, and M in the reply filed on 05 May 2008 and Applicant elected species O and S in the reply filed 03 October 2008. In order to contrast the instant Application, the following restriction from the related Application is applied below. This is needed to establish a clear distinction from subject matter elected and prosecuted in Application 10/513,835.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Invention I, claim(s) [claims of 10/581,543] 1-18 and 26-45, drawn to an image display device.

Invention II, claim(s) 19-25, drawn to a tiled image display device (wherein one display device is necessarily combined with one or more other display devices to form a tiled image display device).

Invention III, claim(s) 46-47, drawn to a method of making a display device.

The inventions listed as Inventions I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

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They are not dependent upon each other to the extent unity of invention exists. The tiled display may be made from any of a number of different display types, and the displays that are not tiled may be used as individual displays as opposed to being used as one of many displays used to comprise a tiled display. The displays and tiled displays need not depend upon any method step of withdrawing (or even using) guide members. Independent patentably distinct limitations exclusively exist for each of the three inventions such that unity of invention does not exist.

This application contains more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The orthogonal sets of species are as follows:

Species A, drawn to Applicant's first embodiment, Figure 4.

Species B, drawn to Applicant's second embodiment, Figures 5 and 6.

Species C, drawn to Applicant's third embodiment, Figures 8 and 9.

Species D, drawn to Applicant's fourth embodiment, Figures 10 and 11.

Species E, drawn to the features shown in Figures 12a and 12b, per page 7, lines 28-30.

Species F, drawn to the features shown in Figure 12e, per page 7, lines 31-33.

Species G, drawn to the features shown in Figure 13a, per page 8, lines 1-2.

Species H, drawn to the features shown in Figure 13b, per page 8, lines 1-2.

Species I, drawn to the features shown in Figure 13c, per page 8, lines 1-2.

Species J, drawn to the features shown in Figure 13d, per page 8, lines 1-2.

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Species K, drawn to the features shown in Figure 14, per page 8, lines 3-4.

Species L, drawn to the features shown in Figure 15, per page 8, lines 5-7.

Species M, drawn to the features shown in Figure 16a, per page 8, lines 8-9.

Species N, drawn to the features shown in Figure 16b, per page 8, lines 10-11.

Species O, drawn to an image display comprising groups of more than one light transmission guide, each receiving light from respective groups of more than one pixel element.

Species P, drawn to an image display comprising groups of more than one light transmission guide, each receiving light from groups of only one (sic) pixel element.

Species Q, drawn to an image display comprising groups of only one light transmission guide (sic) receive light from respective groups of more than one pixel elements.

Species R, drawn to an image display comprising groups of only one light transmission guide (sic) receive light from respective groups of only one (sic) pixel element.

Species S, drawn to an image display comprising a frame formed of a glass material (see claim 4).

Species T, drawn to an image display comprising a frame formed of a metal material (see claim 5).

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Species U, drawn to an image display comprising a frame further comprising a contiguous inner frame with absorbing material and an outer frame (see claims 8, 9, and 11).

Species V, drawn to an image display comprising a frame further comprising an inner frame of truncated light transmission guides with absorbing material and an outer frame (see claims 10 and 12).

Species W, drawn to an image display comprising a frame further comprising a contiguous inner frame with NO absorbing material and an outer frame (see claims 8, 9, and contrast 11).

Species X, drawn to an image display comprising a frame further comprising an inner frame of truncated light transmission guides with NO absorbing material and an outer frame (see claims 10 and contrast 12).

Applicant is required, in reply to this action, to elect one of inventions I-III and Applicant is required to elect a single species from each of A-D, E-J, K-L, M-N, O-R, and S-X (six species total) to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected invention/species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Applicant is respectfully encouraged to elect something in contrast to what was elected in Application 10/581,543 in order to avoid double-patenting rejections. Applicant is respectfully encouraged to elect a structurally

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compatible set of species to minimize the number of withdrawn claims. Although due diligence has been spent to ensure this restriction/election requirement is complete, the complexity of the disclosure compels the examiner to reserve the right to make another restriction/election requirement depending upon Applicant's election and/or the course of prosecution.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim. Currently, no claim(s) are considered entirely generic.

REQUIREMENT FOR UNITY OF INVENTION

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. See 37 CFR 1.475(e).

WHEN CLAIMS ARE DIRECTED TO MULTIPLE CATEGORIES OF INVENTIONS

As provided in 37 CFR 1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Otherwise, unity of invention might not be present. See 37 CFR 1.475(c).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention or species.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY RUDE whose telephone number is (571)272-2301. The examiner can normally be reached on Increased Flex Time Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nelms C. David can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TIMOTHY RUDE/
Primary Examiner, Art Unit 2871